



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WITHERS & KEYS FOR BELL SOUTH
P. O. BOX 71355
MARIETTA GA 30007-1355

COPY MAILED

JUL 30 2007

OFFICE OF PETITIONS

In re Application of :
Mark Kirkpatrick :
Application No. 09/964385 :
Filing or 371(c) Date: 09/28/2001 :
Attorney Docket Number: :
20009.0043US01 (BS01-170) : **ON PETITION**

This is a decision on the "Petition to Withdraw Holding of Abandonment, filed May 31, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed March 8, 2006. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on June 9, 2006. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

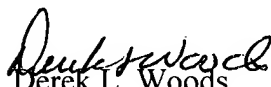
With the instant petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence¹.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2614 for re-mailing of the Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions

¹ A review of Office records reveals that the Office action was inadvertently mailed to an incorrect correspondence address.